IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17578 of 2004

Between:

Smt. A. Prema Kumari W/o A. Ramesh Babu, Fair Price shop Dealer of Shop No.77of Kurnool Urban Kurnool District

..... PETITIONER

AND

1 The Joint Collector Kurnool, Kurnool District
2 The Revenue Divisional Officer, Kurnool, Kurnool District
3 The Assistant Supply Officer, Kurnool, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ order or direction more particularly one in the nature of Writ of Mandmaus, to declare the action of the 1st respondent in not passing any order on the stay petition filed by the petitioner along with an appeal as illegal, arbitrary unconstitutional and violation of the Principal of Natural justice and consequently set a side the proceedings of the 2nd respondent bearing Rc. No. B. 511/2004 dt 21-7-2004.

Counsel for the Petitioner:MR.J.JANAKIRAMI REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

O R D E R:

The petitioner is the authorized dealer of the fair price shop No.77 of Kurnool Urban.

The grievance of the petitioner is that the 2nd respondent-Revenue Divisional

Officer, Kurnool by proceedings in Rc.B.511/2004 dated 21-07-2004 cancelled her dealership. Admittedly, the petitioner has already preferred an appeal along with a stay petition before the Joint Collector and the same is pending. This writ petition is filed seeking a declaration that the action of the 1st respondent in not passing any orders on the application for stay filed by the petitioner as illegal and arbitrary.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The learned counsel for the petitioner vehemently contends that all the allegations made against the petitioner are false and without any basis and at any rate, since the Revenue Divisional Officer in identical cases restored the authorizations of other dealers, there is absolutely no justification in cancelling the authorization of the petitioner.

Since the statutory appeal is pending before the 1st respondent, I am not inclined to express any opinion on merits of the case. It is open to the petitioner to urge all the contentions before the 1st respondent in which event the same will be considered in accordance with law and appropriate orders will be passed.

In the circumstances, without expressing any opinion on merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to dispose of the appeal filed by the petitioner against the proceedings of the 2nd respondent dated 21-07-2004 as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of the order. No costs.

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30-09-2004

MjI/*

1 The Joint Collector Kurnool, Kurnool District
2 The Revenue Divisional Officer, Kurnool, Kurnool District
3 The Assistant Supply Officer, Kurnool, Kurnool District

4. 2 CCs to G.P. for Civil Supplies, High Court of A.P.Hyderabad.(OUT)

5. 2 CD copies.

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